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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,834	12/21/2001	Brian G. Morin	5389	4942
7590	06/17/2005		EXAMINER	
Milliken & Company P.O. Box 1927 Spartanburg, SC 29304				JUSKA, CHERYL ANN
		ART UNIT		PAPER NUMBER
		1771		

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

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0605

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## Commissioner for Patents

1. Newly submitted claims 4-6, 15, and 16 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 4 was previously drawn to a carpet comprising a tufted primary backing of polypropylene fibers including a nucleating agent. Said claim has now been amended to limit the inventive backing layer of polypropylene fibers including the nucleating agent to being a secondary backing rather than the primary backing or base substrate having pile fibers tufted therethrough. Thus, the scope of the claimed invention has changed from a carpet having a specified primary backing to a carpet having a specified secondary backing. These carpet inventions are not related since they have different effects and are not disclosed as capable of use together.
2. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 4-6, 15, and 16 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.
3. Since said claims are the only pending claims, applicant's response is considered not fully responsive to the prior Office Action. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

CHERYL A. JUSKA  
PRIMARY EXAMINER

Cheryl Juska  
Primary Examiner  
Art Unit: 1771